Adams 210.7

MESSAGE

OF

ADAMS
210.7

His Excellency

LEVI LINCOLN,

COMMUNICATED TO

THE LEGISLATURE,

JANUARY 4, 1826.

TOGETHER WITH COMMUNICATIONS FROM

THE SECRETARY AND TREASURER

OF THE COMMONWEALTH, AND THE

ADJUTANT GENERAL,

Submitting an Account of the Expenses of their several Offices, during the year 1825; *and also an exposition of the state of the Treasury on the first of January*, 1826; *and a detailed account of the Receipts and Expenditures of the Treasury, from*

JANUARY 1, TO DECEMBER 31, 1825.

BOSTON:
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MESSAGE.

Gentlemen of the Senate and
Gentlemen of the House of Representatives,

The circumstances of public peace and prosperity, as well as of personal health and happiness, under which the different branches of the Government are now reassembled, at the commencement of a new year, are justly a subject for mutual congratulation, and for devout acknowledgment to that Almighty Being, who mercifully directs in the revolution of the seasons, and is the preserver and protector alike of nations and of individuals. A survey of the condition of our Commonwealth, and of our Country, must be productive of the highest gratification to every patriotic mind. The enjoyment of entire national independence, unconnected with an obligation but to the Almighty, under whose blessing it was achieved; the establishment of systems of free government, securing to the people, who at the same time are sovereign and subject to them, the exercise of equal privileges and rights; a wise and provident course of legislation; an impartial dispensation of justice; the influence of multiplied institutions, diffusing the

means of moral and social improvement through all the departments of life ; the success of foreign commerce ; the encouragement of domestic industry ; the variety and abundance of the products of the earth, in reward of the labours of husbandry ; the extension and success of manufactures, in whatever conduces to comfort or convenience ; with the prevalence of a spirit of enterprise, which seeks to enlarge the scope of human agency and acquirement, form but an imperfect sketch of the scene of unexampled happiness, which the aspect of the United States now exhibits. It should be a source of additional satisfaction, that the continuance of these blessings seems threatened by no present danger, but depends upon our own estimate of their value, and our fidelity to the obligations which we are under to preserve them.

Having, upon the organization of the Government, at the commencement of the present political year, distinctly addressed to your consideration those leading topics of general policy, which the spirit of the times and the interests of this Commonwealth most strongly suggested to my own mind, it would illy comport with that respectful confidence which I entertain in your disposition to pay to them a deserved regard, that I should, on this occasion, more urgently press you with motives to their attention. The discussion of such of the subjects, embraced in the various propositions of the last session, as the want of opportunity, at that time, occasioned to be postponed, will, I trust,

be resumed at an early moment, and that disposition made of them, which the character of the State and the interests of our constituents demand. Of the unfinished business, I cannot however, but renewedly and earnestly recommend, as of primary importance, a revision of the laws "for regulating, governing and training the militia," and the laws "defining the general powers and duties of manufacturing corporations," with a view, at least, to so much of modification and amendment in them respectively, as I had the honor heretofore to propose, and which subsequent enquiry and observation have further satisfied me, would be alike politic and just. With the former of these subjects the feelings and personal duties of a large portion of our fellow citizens are intimately connected, while the latter, involves an interest, which has become of vital consequence to the population and business of this Commonwealth, and is greatly contributive to the resources and real independence of the nation.

Immediately upon the recess of the Legislature, I received from His Excellency, the Governor of Connecticut, a communication, covering an exemplification of sundry Resolutions of the General Assembly of that State, proposing a recession of jurisdiction by this Commonwealth, to a gore of land in the town of Southwick, in the county of Hampden, described, as projecting south of the general course of the line of division between the two governments, and which was supposed to have

been acquired by Massachusetts, heretofore, in the settlement of that part of the boundary line which is *west* of the Connecticut River. By these Resolutions, the Governor of Connecticut was authorized, at his discretion, to correspond with the executive or the government of this Commonwealth, and endeavor to effect the proposed recession by friendly negotiation;—or, should he deem it proper, to give such instructions to the commissioners already appointed, on the part of Connecticut, to settle the line on the *east* side of the river, as might be necessary to bring about the restoration of the territory in Southwick, with directions to them to report to the next General Assembly the terms and conditions, upon which it might be restored to the jurisdiction of that State. The motives which induced to this application are explained, at large, in the comunication of the Governor. He was informed, in reply, that the Commissioners, on the part of this Commonwealth, would be instructed to attend to the representations which might be made, on the part of the State of Connecticut, or by the inhabitants living on the territory, and to report a state of facts, to be submitted to the Legislature, which alone was competent to the consideration and ultimate disposition of the matter. At the same time, it was expressly declined to connect the inquiry with the execution of the commission, which respects the boundary line *east* of the river. Explicit and very definite instructions were accordingly given to our Commissioners, copies of which,

together with the exemplification of the Resolutions of the General Assembly of Connecticut, and the correspondence which has been had, between the executive of that State and of this Commonwealth, will be laid before you. As it is understood, that the Board of Commissioners have not yet been able to complete the business, for which they were originally appointed, but have adjourned to a future day, for the prosecution and fulfilment of their duties, it is for the Legislature to decide, how far it may be expedient to invest those, on our part, with further powers in reference to this subject.

In execution of the directions contained in certain Resolves of the Legislature, of the 16th of February and the 11th of June last, the Land Agent of this Commonwealth, in conjunction with the Land Agent of the State of Maine, have been engaged, during the greater part of the last season, in inquires into the extent of the depredations upon the public lands in the neighbourhood of the St. Johns and Madawaska Rivers, within the jurisdictional limits of the State of Maine, and in measures for the more effectual preservation of the property in that country, from waste and plunder. A report of their proceedings was made to me, by the Land Agent of this Commonwealth, in the month of November last. Deeming much of the information, which it contained, of importance to be communicated to the National Executive, as bearing upon the unsettled question of national boundary in that

quarter, I immediately transmitted a copy to the President of the United States. Almost at the same moment, a communication reached me from the Department of State of the United States, covering a complaint by Sir Howard Douglass, Lieutenant Governor of the Province of New Brunswick, transmitted through the British minister, against the doings of our Agents, as acts of offence and aggression upon the government and subjects of his Majesty's Province. The conduct of the Agents, appearing by the Report, to have been in strict conformity with the instructions of the Legislature, I lost no time in explaining to the Department the occasion and true character of the measures which had been authorized, on the part of this Commonwealth, and in representing the acts of injury and extensive mischief committed, partly under colour of permits issued from the Surveyor General's office of the Province of New Brunswick, and partly by transient and lawless individuals, without the pretext of authority, which had rendered the decisive interference of the governments of Massachusetts and Maine, indispensable to the preservation of their common property. The opportunity has not been neglected to urge also to the consideration of the general government, the importance to our peculiar interests of an early establishment of this part of the line of national boundary. Massachusetts, from the signing of the definitive treaty of peace in 1783, until the separation of Maine in 1820, and since that event, the

government of the latter State, has exercised an unquestioned jurisdiction, and the rights of property and possession, over a district of country, to which, a new and monstrous claim, in its present extent, comes now, for the first time, after a lapse of more than forty years, to be made on the part of Great Britain. The question between that government and the United States, on this subject, can be one only of strict right, and is not to be affected by negotiation, without the consent of this Commonwealth. Neither the sovereignty, nor the soil, are at the disposal of the general government. If the distinctive marks upon the face of the country, which, within the description of the treaty, are to determine the points of division, are not to be traced, the well settled principles of law and of justice will fix the line, where, by practical construction and the long acquiesence of both parties, it has hitherto been recognized. All the papers relating to the subject will herewith be submitted to you. From a respectful deference to the just suggestions of the President, particularly expressed in the letter of the Secretary of State, of the 15th of December last, and upon a reliance that an immediate arrangement will be made, between the government of the United States and that of Great Britain, for the ascertainment and ultimate establishment of the true line of boundary, the propriety of suspending for the present, the operation of those provisions in the Resolves of the 16th of February and 11th of June last, which

authorize the conveyance of the undivided public lands on the St. John's and Madawaska Rivers, to the settlers in actual possession, and the sales of timber, on such of the undivided public lands as lie contiguous to and near the waters of the St. John's, is recommended to your immediate consideration.

The Commissioners appointed pursuant to a Resolve of the Legislature, of the 25th of February last, "in relation to a survey of a route from Boston Harbor to Connecticut River," for the purpose of a Canal, will present a Report of their proceedings, in the execution of this interesting and important commission, so soon as the Engineer shall have completed his plans and estimates, which already are in a state of great forwardness. The magnitude of the labours, which they have had to perform, and the late period to which their enquiries and observations have necessarily been protracted, have allowed to me no opportunity for becoming acquainted with the details of the report, or offering an opinion upon its particular results, if indeed, under any circumstances, I had felt competent to this high responsibility. It is satisfactory, however, to learn that the practicability of the construction of the proposed Canal will be put beyond all doubt, by the certain demonstrations of the Engineer. It will now be made manifest, that a communication may be opened, in one direction, at least, between the capital of the State, and its extreme northern and western parts, through which,

a portion of the produce of the interior may be water borne to our commercial metropolis. The first great point of enquiry is thus satisfied. A Canal is physically practicable. There are waters for its supply, and levels upon which they may be conducted. But the *time* and the *manner* of the accomplishment of this grand enterprise are yet to be determined. It is a work from which we are not at liberty to look back. The present or a future age will assuredly execute it, and there are not wanting the most pressing motives for its immediate commencement. It cannot be, and it should not be disguised, that causes are in operation, the tendency of which is to divert the trade of this Commonwealth, by new channels, to other sections of the Union. Already the abundant and variously supplied market at the great Basin of the Erie Canal, and the facility and cheapness of transportation from the shores of the Hudson to the city of New York, have carried westward the traffic of the green hills of Berkshire, and the rich valley of the Housatonic. The proposed improvement in the navigation of the Connecticut, will bear along the current of that river, the produce of the fertile intervale upon its banks, from the source to its mouth. The construction of the Blackstone Canal, now vigorously prosecuted, will open a new and easy way of communication from the centre of the Commonwealth to a busy and flourishing port, in a neighbourng State. Nor are the consequences of these things to be repined at

or counteracted. They are portions of the great work of national improvement, to enrich the country, of which we are part. But should we not hence be excited to a more diligent enquiry, in what manner these disproportionate drafts upon our local resources are to be supplied? This is to be done, and only can be done, by a prompt, unhesitating, and effectual improvement of the advantages which yet remain to us. And shall we be dismayed at the magnitude of the duties which devolve upon us, as public men, in this particular? The means of the State are abundant, and the intelligence of the people will sustain their agents, in the enlightened application of them, to purposes of public honour and greatness. More than all that has been proposed in Massachusetts, has been fearlessly undertaken, with infinitely less of the ability of capital, by several of her younger sister States. And while we, even now, are speculating upon the promise of advantage from works of internal improvement, the neighbouring State of New York is receiving an income from her Canals, constructed at the amazing cost of more than *ten millions* of dollars, so far beyond the interest of the expenditure, as to assure the speedy redemption of the principal, and equal annually afterwards, to meet all the probable requirements of the administration of her government. It might be too much, with present means of information, to say, that in a like proportion with the extent of the work, would be the pecuniary profit of a Canal

from the harbor of Boston to the Hudson, or to the Connecticut River, but there is nothing of hazard in the assertion, that no enterprise could be undertaken, more beneficial to the agricultural manufacturing, and commercial interests of the State, than the opening of a water communication from the capital, through the populous, productive, and flourishing western counties of the Commonwealth. Indeed, with us, it may be received as an axiom in political economy, applicable to this, and to every similar project, which arrests the attention of the present day, that wherever a Canal can be feasibly located, through a country furnishing of itself the means of business, by the cultivation of fertile fields, or the occupation of water power, or the product of valuable minerals; or if by communicating with other regions of population and trade, it will open for domestic produce new and better markets, the work may advantageouly be constructed.

It was hardly to have been expected, that the short period of a single season would admit of those minute examinations of country and the precise estimates of labor and expense which will satisfy every previous enquiry, to the commencement of so great an undertaking. It would be strange indeed, if some deviations from the route pursued by the Commissioners in their surveys, would not ameliorate the work. Perhaps, even, new levels would indicate a course with less elevation of summit. Other sources of water may be discovered;

present apparent obstacles may be obviated, or real ones removed; or by further examination and comparison, a more eligible location may be shown. If, therefore, it shall only result to your entire conviction, from the reports of the Commissioners and the Engineer, which will be submitted to you, that the proposed Canal is a *practicable* work, and that *the interests of the Commonwealth require its execution*, the propriety of continuing and enlarging the powers of the present Commissioners, or of constituting a permanent Board for the general purposes of internal improvement, with instructions for the primary and effectual prosecution of this particular object, by further examinations, and an actual location of the route, and by obtaining a more accurate estimate of the whole cost, which shall include damages to individuals, where any will be sustained and are demanded, and with authority to receive releases and grants in aid, is recommended to your favorable consideration. When it is understood that the saving of a single lock, in the construction of a Canal, will more than compensate the personal services, for a year, of such a Board as is proposed, the economy of the measure will not be doubted. To Commissioners who shall become familiar with the general subject, the investigation of other projects for public improvement may also be satisfactorily referred. Bridges, Roads, and Railways, as well as Canals, will be within the scope of their enquiries and information, and the Government, through their in-

strumentality, will, at all times, possess the best means of intelligence, upon subjects of legislation, which are becoming daily more interesting and important.

Considering the magnitude of this principal work, and the occasion there will be for a concentration of the energies of the Commonwealth, to its successful accomplishment, if the wisdom of the Legislature shall sanction the undertaking, I forbear to advert to other objects of similar character, but of minor consequence, while this shall remain undisposed of. If unfortunately, however, and contrary to present expectations, from an assumed inability of means, or the supposed vastness of the labor, the great project of a Canal from the harbor of Boston *westward*, must necessarily be postponed, there will not be wanting other propositions for the gratification of a spirit of enterprise and public usefulness, which time will mature, and the genius of the age will execute.

The interesting subject of State Prison concerns demands your earnest attention. The annual report of the Directors shows the economical and successful management of the pecuniary and business affairs of the institution. The receipts from the labor of the Convicts have yielded the unlooked for result of *ten thousand fifty one dollars and thirty two cents*, beyond all the expenses, which are a charge upon the establishment, for the year, ending on the 30th of September last. To this may be added the sum of *three thousand seven hun-*

dred and forty seven dollars and eighty seven cents, the balance from the accounts of the preceding year, for the earnings of the Convicts over and above the expenses of that year, making an aggregate of *thirteen thousand seven hundred and ninety nine dollars and nineteen cents*, of credit, by the Prison to the Commonwealth, at the commencement of the last quarter. But there is a melancholy reverse to the picture. There is much reason to believe, that, as a Penitentiary, the system is utterly ineffectual, to purposes of reform or amendment. Indeed, in nothing else, than as a place of personal labor and restraint, is it a place of terror or punishment. The report of the Directors distinctly points to the construction of the Prison, and the want of apartments for the separate confinement of the Convicts, as a continued source of infinite moral evil. So few are the number of cells, that in many of them, from four to sixteen Convicts are locked together, by night. In, emphatically, these committee rooms of mischief, the vilest schemes of profligacy are devised, and the grossest acts of depravity are perpetrated.—Confederacies and combinations are here formed by the practised veteran with the noviciate in crime, and to complete the infamy of the association, a horrible offence is here committed between wretches, who are alike destitute of moral sentiment, and without the reach of physical restraint. Nature and humanity cry aloud for redemption from this dreadful degradation. Better, even, that

the laws were written in blood, than that they should thus be executed in sin!

Subsequent to the autumnal visitation and inspection of the Prison by the Executive, much public feeling was excited by rumors of unusual defects in the character of its interior discipline, and in the conduct of its inmates and some of the subordinate officers. An official enquiry, on the subject, was immediately addressed to the Directors. Their full, frank, and explicit answer will show the result of a strict scrutiny into the suggestions which were made, and will further enforce the necessity of the only effectual remedy for the abuses which were found to exist, by a separation of the convicts, except while at labor, and by prohibiting and preventing them, at all times, from private communications with each other, the under-keepers, overseers, or strangers.—This latter regulation is indeed within the present authority of the government of the prison, but it would be utterly idle to attempt to enforce it, to any salutary end, while the opportunities for intercourse exist, which the state of the cells will now freely allow.

In view to the inevitable conclusion of your own minds, upon the papers which will be submitted to you, that something is imperiously required to be done, I recommend that immediate provision be made for the erection, as soon as may be, in the prison yard, of a building, with sufficient cells for the separate confinement of the present and any

future probable number of convicts. As the best model of a structure of this description, securing the most entire solitude of person with an effectual arrangement for detecting the slightest attempt at correspondence, by conversation, the prison at Auburn, in the State of New York, is particularly to be preferred. A rough, but sufficiently accurate plan of this edifice, with such explanations as will render its construction perfectly intelligible, furnished by a philanthropic gentleman, who has taken deep interest in the subject, will be found with the papers, which are transmitted. The whole expense of the proposed building, constructed, as it should be, of unhammered stone, may be estimated not to exceed thirty-five thousand dollars. To meet this, the present balance due from the Prison to the Commonwealth, of almost fourteen thousand dollars, may be made applicable, to which may be added the specific labor of a portion of the convicts upon the building, the next season, or their earnings, if otherwise employed, which, with less of success than the last year, may be relied upon, for making up the sum to *twenty thousand dollars;* —and for the residue, a grant must be had from the treasury, which the future earnings of the Prison may be held pledged to replace. This grant, however, will be expedient, in the first instance, from the consideration, that the prison balance results altogether, or in a great part, from stock on hand, which may not be converted into money in sufficient time for the disbursements, which will be required by economy in the work.

No apology can be necessary for the particularity with which I have called your attention to a subject, which is of such high concern to religion and morals, to the character of the Commonwealth, and the duties of its law-givers.

The claim of Massachusetts upon the United States, for expenses incurred during the late war, that unfailing topic, for past years, of executive communication, remains yet undisposed of, with the general government. Since the adjournment of the last Congress, an able officer in the Treasury department has been occupied in examining the accounts, which have been presented by our Agent, and in arranging the items under specific and appropriate heads. But as yet, nothing definite has been done towards their allowance. The subject, by reference of the late President, waits the leisure and the will of Congress. A review of the course which has been pursued, in the prosecution of the claim, and the treatment it has met from the national government, may be useful, although it cannot fail to give occasion to expressions of regret, and of just complaint, on our part.

More than ten years have now elapsed, since nearly a million of dollars, the treasure of the people of this Commonwealth, drawn from the common fund of all classes of citizens, of whatever political opinions, the cherished reward of patriotic services and sacrifices, by themselves or their fathers, in the revolutionary contest, were expend-

ed in measures of defence to the country, against a public enemy, in open war. Upon a request for a remuneration of these expenses by the United States, soon after the peace, the unfortunate and objectionable grounds of refusal which had been taken by the State Executive to a compliance with the requisitions of the President for the militia, were urged in opposition, even to a consideration of the claim. It was erroneously assumed, that every part of the services were alike exposed to the objection of having been rendered, in denial of the constitutional power of the President, to determine the exigency, upon which they might be required, and the application for payment was answered, only by an admonition, that the claim, except in a single inconsiderable item, was excluded from the recognition of the executive authority of the United States, by the principles explained in the official communications, which had been made to the Governor of Massachusetts in the progress of the war. Subsequent unavailing efforts were attempted through the delegations in Congress from this Commonwealth and the State of Maine, to obtain a more favorable regard to the subject. When, more recently, upon a change in the political character of the State authorities, a distinct and explicit disavowal of the opinions which had been held upon the constitutional power of the President, in relation to the militia, was declared by all the branches of the government, a special commission was instituted, again to prefer the ac-

counts for examination and allowance. In the mean time, in the settlement of the claims of other States, principles had been adopted by the national executive, which were directly applicable to the just right of Massachusetts to reimbursement of a portion of her demand. It had been established as a rule of allowance, that the services of the militia must fall under one of three heads of classification—1st, where the militia were called out at the request or instance of an officer of the national government;—or 2dly, to repel actual invasion;—or 3dly, under a well founded apprehension of invasion; having regard in these two latter cases to the due proportion of the number, to the exigency upon which they were assembled. The representations of our Agents, and the auditing of a portion of the account, which thereupon had been authorized by the President, now shew, that the services of the *Fifth Division* were clearly within the second and third of the above classes; and upon the Report of the third Auditor of the treasury, to whom the examination had been specially referred, the President, on the 22d of December, 1823, in an official note to the Secretary of War, expressed his opinion "that these services were called for by the exigencies of the times, and were intended to repel, in many instances, actual invasion, and in the others, the troops were called out on well founded apprehension of it;—that they were spontaneous movements of those who were exposed to danger, and for the purpose of self-

defence." When our Agents, availing themselves of this favorable opinion, under instructions from the State executive, were urging the payment of so much of the claim as resulted from these services, the President, by his Message of the 23d of February, 1824, distinctly repeating his own convictions, that "the principles of justice, as well as a due regard for the great interests of the Union, required that the claim should be acceded to, to the extent of the rule, by which compensation had been made for similar services rendered by the militia of other States," yet recurring to the former constitutional question of controversy, unexpectedly removed the whole subject to the consideration and for the provision of Congress. It was here, in the House of Representatives, referred to the enlightened Committee on Military Affairs, who, after much attention, and an examination of the documents accompanying the Message, reported a bill to authorize the settlement and payment of the claim, upon the precise principles, which, without this special legislation, had governed in the settlement and satisfaction of the claims of other States for similar services. This bill was twice read and committed to a Committee of the whole, and notwithstanding the propriety of its immediate passage, was enforced by the declaration in the report of the committee, which introduced it, that "a large portion of the claim of Massachusetts, does not appear to be affected by those constitutional difficulties, which have so

long, in the consideration of the executive of the United States, operated as an impediment to its adjustment," it was suffered to sleep out, through two sessions, the existence of the Congress to which it was presented. The question of compensation to Massachusetts thus remains to be entered upon anew, whenever there is opportunity and a disposition to sustain it.

The ground upon which we are now placed with the General Government, in relation to the claim, can admit of but a single opinion of what is due to the character, the interest, and rights of the State. This is a strenuous and persevering assertion, on our part, of the right to an investigation of *each portion* of the service, upon its independent merits, and of obligation, by the nation, to a prompt and impartial provision for its examination and allowance. Independent of every other consideration, that equal and exact justice, which the Constitution secures to every member of the confederacy, authorizes us to expect and to insist, that for similar services to those, for which compensation has already been made to other States, it shall be made to this. Will it be objected to the payment of a part, that the whole is not allowable? The national Government cannot justify the right to withhold what is due, as an amercement for what we may have neglected. A position so offensive to the sovereignty of the State, has never been assumed. Admitting, therefore, that to some portion of the services, for which the claim is exhibited,

the constitutional objection shall be found to apply, it can affect, but to that amount, the right to remuneration. So far, and to this extent only, might a forfeiture be incurred, by actual disloyalty. Yet, even on this point, it is believed, that an examination of the evidence would greatly disabuse the minds of the prejudiced and the uninformed. It will be found that much more of the claim rests upon the same acknowledged merits with the services of the *Fifth Division*; and further investigation, by the proofs it will disclose of the spontaneous movements of the troops of other divisions, and of the exertions and sacrifices, which were generally made to defend the country, will fully justify the remark of the late President, in his message before referred to, "that the great body of our fellow citizens of Massachusetts were as firmly devoted to the Union, and to the pure Republican principles of our government, as our fellow citizens of the other States; and that they were at all times, ready and willing to support their rights, and repel an invasion by the enemy."

From a reasonable expectation, that provision would be made, by the present Congress, for the final settlement of the claim, upon the principles of the Bill heretofore reported, the auditing of the accounts, which, at any time, must be an indispensable preliminary to payment, has not been intermitted. The reports of the Third Auditor of the Treasury to the Secretary of War, transmitted by our Agent at Washington and herewith submitted,

will show the progress, which has been made in this necessary business. It will appear from these documents, and from the communication of the Agent, that the accounts, to the amount of 463,724 dollars 65 cents, have been examined, including the whole of the Paymaster's department, and so much of the subsistence, the Quarter Master's department, and the contingencies, as will distinctly present all the points of discussion which can grow out of the character of the services in which the expenses were incurred, and of the right of the State to reimbursement. The Agent, having requested such instructions from the Executive, as would enable him, in behalf of the Commonwealth, "to make such an exposition of the grounds of our right upon these Reports, as the State, in just consideration of its own dignity, ought to maintain," has been directed to those views of the subject, which it was believed, would be entertained by the whole Government, under existing circumstances. The communications, which have been had between the Executive and the Agent, will be laid before you, that you may decide what further measures the interests and the honor of the Commonwealth require. I recommend, however, a decisive expression of your opinion, in relation to the rights and just expectations of the State, to enforce an appeal to Congress, for an immediate and effectual attention to the claim.

It will be highly satisfactory to you to learn that the Treasurer without resorting to a loan, has not only been able to meet all the demands upon his department for the current expenses of the Government, but, within the year, to pay off the sum of *thirty nine thousand five hundred dollars* heretofore borrowed by the State, and to have on hand, in cash, on the 31st of December, at night, to which, the accounts are made up, the unusually large balance of *eighty six thousand four hundred and eighty six dollars and twenty five cents.* At the same time there is not existing, an outstanding debt against the Commonwealth bearing interest, nor a claim of any kind, except the balances on warrants and rolls in the Treasury, amounting to about twelve thousand dollars, and a small number of old State notes, of the nominal aggregate of about three thousand dollars. But the omission by the last Legislature to grant the customary annual tax, will sensibly diminish the revenue of the ensuing year, which unless supplied by some immediate provision, will be greatly deficient to meet the necessary drafts upon the Treasury, in the administration of the Government. The money now on hand, will soon be absorbed, in the payment of the balances on the warrants and rolls, in the expenses of the present Session of the Legislature, and in the ordinary and contingent charges of the Government. The only resources, which are provided, are the Bank tax, and the auction duties, both of which are inadequate to the usual require-

ments of the Treasury. It is worthy of serious consideration, how far it can be politic, in the present state of our fiscal concerns, and until some certain and ample means of revenue are otherwise created, to intermit the annual assessment of a tax, so inconsiderable, when compared with the wealth of the State, as not to be felt, when it has been imposed, and not even to be generally known, when it is omitted.

The public lands, from the embarassment to which the sales of some parts of them will be exposed by the interfering claims of the British Government, and the necessary credits to be given in the contracts for other parts, cannot be relied upon, as affording, in any material amount, an immediate receipt of money into the Treasury—But it would not be difficult to point out other legitimate sources of revenue, to which the Government might advantageously resort. May it not be enquired, why Lotteries, and the sale of Lottery Tickets, should not be made available for this purpose? The attempts to suppress them have hitherto proved utterly ineffectual. Without discussing the object or the policy of the enactments of the Legislature, to this end, is it not admonitory to their repeal, and to an effort more successfully to regulate the subject, to know, that they are totally disregarded? It cannot but be reproachful to the character of a law, that its sanctions are unheeded. Yet, in reference to Lotteries, we daily witness, in despite of the severe penalties of the statutes, an

undisguised and notorious violation of their provisions, in the open commission of almost every particular act, which they prohibit. Even the public journals, which, by authority, promulgate the denunciations of the Legislature against "any person or persons, who shall sell or offer for sale, or shall advertise or cause to be advertised, any Lottery Tickets in any Lottery not authorised by this Commonwealth" abound in catching and turgid advertisements, by the venders of tickets, as repugnant to law, as in terms they are offensive to reason, good sentiment and sense. If there is any thing, in public opinion, so unfavorable to the execution of these laws, that they cannot be enforced, then indeed, should the dead letter be expunged from the Statute Book, and the wisdom of the Government be exercised to direct, what it cannot altogether restrain. In this point of view, Lotteries might well be granted, and the sale of tickets licensed, to create a fund, for the purposes of public improvement, and the Treasury thus be relieved from a charge for this object, already considerable in amount, and which will be continually and greatly increasing.

May not also the duty upon Licences to Retailers of spirituous liquors, wisely, be augmented? This would operate indirectly, as a tax upon the consumer, and either furnish to society, in the greater means of promoting the public good, on other subjects, some indemnity for the disorders, which are consequent upon the prevalent and ruin-

ous habit of intemperance, or by discouraging the inordinate use of ardent spirits, be productive of the highest individual benefit, and of the best general moral effect.

The cause of education and learning, can never unappropriately be presented to the favorable regard of the representatives of a free people.—Various propositions for its advancement, by the establishment and endowment of institutions for qualifying teachers of youth, for instruction in the physical sciences, in agriculture, and in the whole circle of the arts, have been recently brought before the public, and will solicit the fostering patronage of the Legislature. It can be with no gratifying reflections to the decendants of the pilgrim founders of the college, and the free schools of Massachusetts, that they find themselves constrained, by the state of the finances of the Commonwealth, to deny to these high objects, the only effectual provision for their encouragement. Will not this humbling consideration serve as an incentive, to devise some more ample resources for a revenue to the State, that thus, the solemn and imperative injunctions in the Constitution, upon "Legislatures and Magistrates, in all periods of the Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them, public schools and grammar schools in the towns, to encourage private societies and public institutions, rewards and immunities for the promotion of agriculture, arts, sciences, commerce, trade, manu-

factures and a natural history of the country," may be faithfully and efficaciously observed. A present appropriation and pledge of a proportion of the proceeds of future sales of the public lands, would, at no very distant day, ensure a liberal fund for these objects.

In regarding the obligations to be performed to the State, we cannot be unmindful of what is due to the Union. As servants of the republic, we are bound to the discharge of official duties, by a two fold sacrament. The curiously devised system of a federative independent government, deriving its powers from the voluntary but restricted delegation of them by other independent governments, retaining in themselves a portion of the rights of sovereignty, has produced a division and distribution of authority, which is carefully to be guarded, within its appropriate sphere of exercise. The confederacy of the States was for the common protection and defence, and for the promotion of objects strictly and essentially national. To these ends, the higher attributes of sovereignty were conceded to the federal government, by a solemn compact, which defines the limits of its prerogative, and denies all beyond to its power. Within the pale of the constitution of the United States, there can be no conflict with State rights. The violation of that instrument, by those whom the people voluntarily choose as their agents to administer, and who are solemnly sworn to maintain it is never to be presumed. Whenever it shall come to be generally

considered, that the government of the nation is *foreign*, and much more especially, when it shall be treated as *hostile*, to the interests of the individual States, the bond of our political union will be virtually severed, and discord and anarchy will inevitably and speedily ensue. The seeds of an unfounded jealously incautiously cast, even by the way side, may spring up to an abundant harvest of strife, contentions, and divisions. It is for the security of republics, that the citizens should be vigilant to discern, and intent to repel every advance to an encroachment upon their privileges; but this is not inconsistent with a generous confidence in the government of their own establishment, and over the abuses of which, in the exercise of an intelligent observation, they hold, at all times, a redeeming control.

LEVI LINCOLN.

Council Chamber, January 4, 1826.

Commonwealth of Massachusetts.

Secretary's Department, January 4, 1826.

In compliance with a Resolve of February 20, 1819, I have the honour to submit to the Legislature an Account of the expenses incurred in the Secretary's office for the year 1825, with the number and names of the Clerks employed, &c.

Received by the Secretary on account of his salary, after deducting fees accounted for by him	$1,679 74
Salary of Edward McLane, Chief Clerk,	1200 00
Do. of Samuel Austin, Clerk,	900 00
EXTRA CLERKS, Employed during the sessions of the Legislature,	
Edward McLane, Junior, 33½ days and 1 night in January and February, and 15 days in June,	145 44
W. P. Gragg, 22½ days and 1 night in January and February, and 6 days in Jnue,	86 32
Edward Stow, 5 days and 1 night in February, and 1 day and part of night in June,	25 37
Charles Parker, 1 night in February and 1 day in June,	8 87
S. A. Quincy 1 night and 2 days in February,	11 75
Charles W. Lovett, 1 night and 2 days in June,	14 30

John T. Leach, 1 day and part of night in June,		5 00
Daniel Austin,	do.	5 00
Henry Tailor,	do.	5 00
Expenses of stationary, from January 1 to June 9, 1825,		78 29
Do. of printing,		65 50
Total		4,248 58

The greater part of the stationary and printing is for the use and by direction of the Governor and Council,and some of the printing by order of the Legislature. A very small portion of this expense arises strictly within the Secretary's office. I find, therefore, by referring to former accounts rendered by this department, that the bills for stationary and printing were sometimes included and sometimes omitted in the expenses of the office. I have included them in the above account, up to June 9, 1825. The bills since that time have not yet been presented, as they must be passed upon by the Committee of Accounts. Their amount is not large. The printing of the Laws and Resolves, and the bills of postage for public letters have never been, and are not now included, as they do not peculiarly belong to this department.

There were bills for stationary and printing in 1824, not included in last year's account, because not then presented, or passed upon by the Committee of Accounts. I have not thought it proper to bring them into the account of this year, or ne-

cessary to state them, as they were principally for the express use of the Executive, and for printing Resolves and Precepts relating to the choice of electors and members of Congress.

The expenses of 1825 are $68 72 less than those of 1824.

All which is respectfully submitted,

EDWARD D. BANGS, *Secretary.*

In Senate, January 4, 1826.—Read and sent down.

NATHANIEL SILSBEE, *Pres't.*

Treasury Office, January 4, 1826.

Gentlemen,—I have the honor to transmit to the Legislature a Report, prepared in obedience to the Resolve of the 20th of February, 1819, relating to the expenses attaching to this office during the year 1825; also an exhibit of the State of the Treasury on the first day of January instant; and a detailed account of the receipts and expenditures of the Treasury, from the first day of January to the 31st of December, 1825.

I have the the honor to be, with great respect,

Gentlemen, your obedient servant,

NAHUM MITCHELL, *Treasurer.*

To the Hon. the President of the Senate and the Speaker of the House of Representatives.

In Senate, January 4, 1826.—Read, and with the documents therein referred to, ordered to be sent down.

NATHANIEL SILSBEE, *Pres't.*

AN ACCOUNT

To 1st January, 1826, (from 1st January, 1825,) "Specifying the amonnt of salary and allowance made to the Treasurer of the Commonwealth, the number of Clerks by him employed, their names, the periods of service, and the amount allowed them, and all expenses attaching to the Treasury Office."

Amount of salary allowed the Treasurer.	Number of Clerks.	Clerk's Names.	Periods of service.	Am't. allowed them.	All the Expenses attaching to the Treasury Office.	
$ 2,000	2	Joseph Foster.	1 year.	$ 1,200	Treasurer's salary,....$ 2,000	
		John J. Linzee.	1 "	900	First Clerk's.....1,200	
					Second ".....900	$ 4,100
					Printing and Stationary for the Office, as per Rolls of the Committee on Accounts, ...84 74	
						$ 4,184 74

TREASURY OFFICE, January 4th, 1826.

NAHUM MITCHELL, Treasurer.

Dr. *Commonwealth of Massachusetts.*

Due from the Commonwealth.

On Warrants on the Treasury Files,	8,498 23	
On Rolls of the Committee on Accounts,	2,690 12	
On Senate and Representative Rolls,	915 02	
		2,1031 37
On Account of the 5 per cent. Public Debt and Interest.		2,973 14
		$15,076 51

State of the Treasury, January 1st, 1826. *Cr.*

Due to the Commonwealth.

On the Tax for the year 1824,	26,208 04	
Amount standing to the debit of sundry Sheriffs, on account of Treasury Warrants, issued against Collectors of Taxes, &c.	3,852 95	
		30,060 99
Due on Bonds and Notes, given for Lands sold, &c. deposited in the Treasury Office, previous to 1st of January, 1826,	48,276 23	

A Certificate of thirty Shares in the Gloucester Canal Corporation,	1,500	00
Cash on hand, January 1st, 1826, (Morning,)	86,486	25
Probable amount of Bank Tax, due in April and October next,	148,000	00
	$166,323	47

Treasury Office, Boston, January 1st, 1826.

NAHUM MITCHELL, *Treasurer.*

A Detailed Account of the Receipts into and Expenditures from the Treasury of the Commonwealth of Massachusetts, from the first day of January, to the thirty-first of December, 1825.

An Account of Expenditures from the Treasury.

On Warrants and Rolls of different years for the support of Government, and incidental charges relating thereto, including the pay of Representatives, for their attendance at the General Court,	93,621	44
On Rolls of the Committee on Accounts for different years,	59,006	31
To County Treasurers, for balances of their Accounts,	17,617	66
For Interest, and on different Instalments of the 5 per cent. debt,	336	06

Balance of the principal and interest on money borrowed at 4½ per cent. for the purpose of paying off the remainder of the 5 per cent. debt.	20,725	00
On Appropriations for the Adjutant and Quarter Master General's Department,	3,112	99
For Agricultural Societies,	3,158	85
For the instruction and support of Deaf and Dumb persons, at Hartford,	2,703	52
Old and wounded Soldiers, $350—Pensions $1,253 83,	1,603	83
Medical Institution in Berkshire County,	1,000	00
Commissioners for settling the affairs of Massachusetts and Maine,	254	99
To Banks, Money repaid with interest,	20,077	09
Miscellanies, per Particulars annexed,	15,403	49
	$238,621	23

An Account of Receipts into the Treasury.

On Account of State Taxes of different years, including reimbursement of Money paid to Representatives, for their attendance at the General Court,	94,447	76
Amount of Bank Tax,	144,735	52
On account of principal and interest on Notes and Bonds, due the Commonwealth,	10,374	72
Of County Treasurers for balances of their accounts.	367	67

Duties on Sales at Auction for the terms ending on the last days of December, 1824, March, May, and November, 1825,	24,902	30
Of the Attorney General amount of fees received by him,	102	50
Of Banks, money borrowed, per different Resolves of the General Court, to defray the ordinary demands on the Treasury,	20,000	00
Miscellanies per particulars annexed,	597	33
	$295,527	80

Memorandum.

Amount of Cash in the Treasury, January 1st, 1825, (Morning,)	29,579	68
Amount received in 1825,	295,527	80
	325,107	48
Amount paid in 1825,	238,621	23
Amount of Cash in the Treasury January 1st, 1826, (Morning,)	$86,486	25

Treasury Office, January 4th, 1826,

NAHUM MITCHELL, *Treasurer*.

Particulars of Miscellanies Paid.

The Treasurer of Springfield for abatement of Taxes, per Resolve of 14th February, 1814,	60	54
Building a wall at Lynn Beach,	500	00
Committee to investigate the affairs of Amherst College, and witnesses,	516	08

Jonathan Simonds, per Resolve of 26th January, 1825,		87 78
Prosecuting to conviction certain Counterfeiters,		130 43
Committee to confer with the Directors of the American Asylum for Deaf and Dumb persons at Hartford per Resolve of 25th February, 1825,		81 28
Balance of account of expenses attending the visit of Gen. La Fayette,		216 11
Building a Covert-Way to the State House,		438 23
Expenses attending the funeral of His late Excellency Gov. Eustis,		1,632 21
Commissioners at Washington for prosecuting the Claims against the United States,		2,951 08
Nahum Mitchell, and Geo. W. Coffin, Esq'rs, Agents for the Sale of Eastern Lands, per Resolve of 26th February, 1825,		756 26
George Reed, for bringing from Maine, one Wilder, a fugitive from Justice,	60 48	
Ditto, bringing from Philadelphia, one Alexander Palmer, a fugitive from Justice,	163 40	
J. Williams, bringing from Maine, one Myers, a fugitive from Justice,	61 76	
		285 64

For 350 copies of Winthrop's Journal, (1st vol.)	700 00	
For an engraved Portrait of Governor Winthrop for do.	100 00	
		800 00
Tax on Pews sold at auction remitted to certain Auctioneers,		19 91
For 200 copies of Massachusetts State Papers,		200 00
John Blake, late Agent for the Penobscot Indians, per Resolve of 16th June, 1825,		96 44
Certain Officers and Soldiers who were in the battle of Bunker Hill per Resolve of 16th June, 1825,		1,081 50
Commissioners appointed to ascertain the practicability of making a Canal from Boston Harbor to Connecticut River,		2,200 00
Ruel Williams, surveying land in Maine, per act of 29th January, 1822,		750 00
Repairs on the State House, painting, &c.		2,100 00
Commissioners appointed to ascertain the boundary line between this Commonwealth and New Hampshire,		500 00
		$15,403 49

Particulars of Miscellanies Received.

Received of William H. Sumner, Esq. Adjutant and Quarter Master General, on account of Military Stores sold,	87 33
For Land sold in Berkshire County by Hon. Jonathan Allen, (in part,)	25 00
For Land sold in Scituate by Hon. Charles Turner, per Resolve of 9th June, 1824,	485 00
	$597 33

Adjutant General's Office, Boston, January 4th, 1826.

To the President of the Senate,
and Speaker of the House of Representatives.

I have the honor to submit to the Honorable Legislature, an account of the expense of the Adjutant General, and Quarter Master General's Offices, for the year ending the 31st December, 1825, in compliance with a resolve of the 20th February, 1819, and am,

With great respect,
Your most obediant servant,
WILLIAM H. SUMNER.

In Senate, Jan. 6, 1826.—Read and sent down.
NATHANIEL SILSBEE, *President.*

An Account of the expenses of the Offices of the Adjutant General, and Acting Quarter Master General, "specifying the amount of Salary and

allowance made to him, the number of Clerks by him employed, their names, the periods of service, and the amount allowed them, with all expenses attaching to his respective offices," for one year, ending the 31st December, 1825.

Adjutant General, Annual Salary,		1,500 00
Fitch Hall, Clerk, " "	1200	
William Tufts, Clerk, 313 days services, at $2,	626	
		1,826 00
J. W. Burdits Bill Stationary,		25 11½
True & Greene, Accounts Printing,	446	
		$3797 11½

Adjutant General's Office, Boston, December 31st, 1825.

Errors Excepted.

WILLIAM H. SUMNER,

Adjutant General and Acting Quarter Master General.

DEC 10 1935